

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2010-179-C - ORDER NO. 2010-436

JULY 6, 2010

IN RE: Joint Petition of Fort Mill Telephone Company d/b/a Comporium Communications and Lancaster Telephone Company d/b/a Comporium Communications for Approval of Changes in Boundary Line, and for Approval to Grandfather Certain Customers	) ORDER APPROVING ) CHANGE OF ) BOUNDARY LINES AND ) APPROVING ) GRANDFATHERING OF ) CERTAIN CUSTOMERS
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This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Joint Petition of Fort Mill Telephone Company, d/b/a Comporium Communications (“Fort Mill”) and Lancaster Telephone Company, d/b/a Comporium Communications (“Lancaster”) (together, “the Joint Petitioners” or “the Companies”) for approval of a change in the boundary line between the Companies. In addition, the Companies request that the Commission allow certain customers who may be affected by the boundary change to be “grandfathered,” in order to ensure that they may continue receiving service from their existing provider if they so choose.

Both Fort Mill and Lancaster are incumbent local exchange companies providing wire line telephone services in York, Lancaster, and portions of Chester and Kershaw Counties in the State of South Carolina. Both companies are Comporium companies, and each does business under the Comporium trade name. The Companies have substantial common ownership, with Rock Hill Telephone Company d/b/a Comporium Communications owning 100% of Fort Mill and 96% of Lancaster.

There has been recent construction on a development in Fort Mill's service area. The planned development will eventually straddle the existing boundary between Fort Mill and Lancaster. The land for the planned development consists of contiguous parcels owned by a single developer. There are currently no customers in that portion of Lancaster's service area that is part of the planned subdivision, however, it is assumed that future residents of the subdivision will have a strong desire to be able to make local calls to their neighbors within the subdivision.

The current boundary that separates the Fort Mill and Lancaster Service areas between the North Carolina/South Carolina border and US Highway 521 is Twelve Mile Creek. It is proposed that the boundary would be moved to follow the railroad tracks that run north of South Carolina Highway 75 between US Highway 521 and the North Carolina/South Carolina border. There are currently very few customers in that portion of Lancaster's service area between Twelve Mile Creek and the railroad track. In considering a boundary change to accommodate the future needs of the planned subdivision, the Companies believe it is in the public interest to establish a clear boundary.

In addition to the above-referenced boundary change, the Companies have determined that the boundary line between Fort Mill and Lancaster west of US Highway 521 to the Rock Hill Telephone service boundary line should be clarified. A recent mapping initiative by the Companies indicates that the service boundary is unclear, and it appears that Fort Mill may have inadvertently extended facilities to serve several customers in a portion of Lancaster's service area. In order to avoid disruption to these

customers and to avoid duplicative construction, and in light of the Companies' substantial common ownership, Fort Mill and Lancaster propose to clarify the boundary line between the Companies west of Highway 521.

The Companies state that it is in their best interest and in the public interest to define the service boundary between Fort Mill and Lancaster in such a manner as to provide local calling in a single planned subdivision, and to avoid confusion and possible future disputes. Furthermore, given the common ownership of the Companies, the Companies believe that it is in the public interest to define the boundary such that it will have the least possible impact on existing and future customers. The Joint Petitioners also state a belief that it is likewise in the best interest of the Companies and in the public interest to define the service boundary between Fort Mill and Lancaster so as to avoid the possible construction of lines, plant, or system by one Company that would unreasonably interfere with the service or system of the other Company, in violation of S.C. Code Ann. Section 58-9-280.

The Joint Petitioners state that they have established a proposed service boundary that will accomplish these purposes, and have filed two maps illustrating this boundary. The Companies state that upon approval of the Petition by the Commission, maps showing the modified boundaries between the respective companies will be finalized and filed with the Commission, and copies provided to the Office of Regulatory Staff ("ORS"), pursuant to Commission Regulation 103-612.2.3.

The two Companies state their express intent that existing customers will not be affected by this change in the service boundary unless they so choose. Therefore, to the

extent the premises of existing customers of Lancaster would fall within the service area of Fort Mill according to the service boundaries shown on one of the filed maps, the Companies propose that those customers will be grandfathered in and will remain customers of Lancaster, unless and until the customer cancels or otherwise ceases to receive land line basic local exchange telephone service in the customer's name at the customer's present service location. Should such cessation of service occur, Lancaster will have no further obligation as a carrier of last resort, as defined in S.C. Code Ann. Section 58-9-10(10), with respect to that customer or those premises and, to the extent there is a carrier of last resort obligation imposed by law, it shall be borne by Fort Mill, as shown on the map. The Joint Petitioners have provided a list of Grandfathered Customers of Lancaster, along with their addresses, and wire line telephone numbers (or designation of an unlisted number, if applicable).

The Joint Petitioners will provide notice to the Grandfathered Customers that the service boundary between Fort Mill and Lancaster has been changed, and that their wire line service will not be impacted unless they so choose. The Grandfathered Customers may elect to obtain wire line service from the new carrier (Fort Mill) or they may elect to remain customers of Lancaster.

Counsel for ORS has provided a letter, which stated that ORS received and reviewed this Docket, and does not oppose the Joint Petitioners' proposals.

We have examined this matter and find that the proposed change of the boundary line between the service territories of Lancaster and Fort Mill is in the public interest. The Joint Petition for a boundary line change and grandfathering of certain customers is

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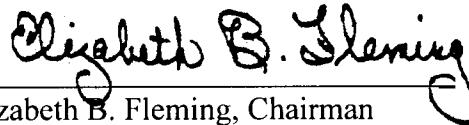
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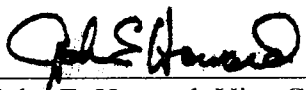
granted. We approve and adopt the two maps jointly submitted by the Companies. However, we hold that the Companies shall finalize said maps and file them with the Commission and serve them on ORS, as provided for in Commission regulations, as soon as is practicable after receipt of this Order. We also approve the proposed grandfathering arrangement submitted by the Joint Petitioners.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman  
(SEAL)